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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,168	07/03/2003	Neil L. Marko	2124A-000021	9153

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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER
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PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/613,168

Applicant(s)

MARKO ET AL.

Examiner

Alexandra K Pechhold

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-22, 24-26, 28, 29, 31, 32, 34-37 and 39-51 is/are allowed.
- 6) ☒ Claim(s) 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frederiksen (WO 01/02667 A1) in view of Herman et al (US 5,777,266) and Mapp (US 5,946,756).**

Regarding claim 1, Frederiksen discloses a ramp system capable of providing aerial lift to users of rideable wheeled recreational products, comprising at least one ramp module being an inclined ramp module (see ramp element 2A in Fig. 1) having an inclined upper support surface supported on generally triangularly shaped side walls substantially over its length (as shown in Fig. 1), said inclined ramp module having an end wall at one end of said side walls and at the upper end of said inclined surface, another of said at least two module configurations being a straight ramp module (see tile elements 4 in Fig. 1) having a generally horizontal, planar upper support surface supported on generally rectangularly shaped side walls substantially over its length, said straight ramp module having end walls at opposite ends of said side walls and said straight support surface (shown in Fig. 1), said inclined ramp module having a bottom

side engageable with a ground surface (see Fig. 1), said end wall of said inclined ramp module adapted to be secured to another end wall for end-to-end assembly (as shown in Figs. 1-4). Frederiksen discloses an attachment means for connecting selected ones of said inclined ramp modules and said straight ramp modules for end-to-end alignment shown by the use of coupling pieces (14) in Figs. 1 and 2. The first attachment means comprises at least one T-shaped protrusion and at least one T-shaped channel groove on said end wall of said inclined ramp module and on said end wall of said straight ramp module with the same spacing between each, as illustrated in Figs. 1 and 2 if you view the piece (14) inserted in a cut-out (12) as forming a T-shaped protrusions with its corresponding cut-out being empty and thereby forming a T-shaped channel groove. The T-shaped protrusion (seen as end of coupling piece 14) on one of said ramp modules is adapted to be slidingly, matingly moved into said T-shaped channel groove (seen as cut-out 12) on another of said ramp modules ramp modules with said T-shaped protrusion on said another of being slidingly, matingly moved into said T-shaped channel groove on said one of said ramp modules.

Frederiksen fails to disclose the T-shaped protrusion and groove both *integrally* formed on the end wall. Herman teaches a ramp system interconnected by male and female interlockable connectors (18, 20; 54,56) which are integrally formed on the end walls as shown in the figures, in order to form a complete arrangement of any desired size as required by the particular intended application (Col 2, lines 48-57). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the pieces (14) of Frederiksen to be integrally formed on the end wall to

form a T-shaped protrusion, and an integral T-shaped channel groove on the opposite end wall, as taught by Herman, since such an integral connecting means utilizes less components, and still provides for a complete arrangement of any desired size as required by the particular intended application, as Herman notes in column 2, lines 48-57.

Frederiksen also fails to disclose the ramp module and T-shaped protrusions being hollow. Mapp teaches a hollow ramp module made in a one-step molding process, which can result in financial savings (Col 2, lines 36-45), and is lightweight, strong, and inexpensive (Col 5, lines 1-4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ramp and protrusions of Frederiksen to be hollow as taught by Mapp, since Frederiksen emphasizes the importance of the ramp configuration in being lightweight and cheap (page 3, lines 21-24), and Mapp teaches that a hollow ramp configuration provides a lightweight, strong, and inexpensive ramp (Col 5, lines 1-4).

#### ***Allowable Subject Matter***

3. Claims 1-22, 24-26, 28, 29, 31, 32, 34-37, and 39-51 are allowed.

#### ***Response to Arguments***

4. Applicant's arguments filed 10/26/04 have been fully considered and were persuasive in consideration of the claim amendments. The arguments were persuasive with the exception of claim 30. With respect to the applicant's arguments regarding the

amendment to claim 30 reciting a hollow structure, the amendment distinguishes from the prior art rejection and is persuasive to that regard, but upon further consideration, a new grounds of rejection is made using the teaching of a hollow ramp by Mapp (US 5,946,756).

Applicant is correct in asserting that the Examiner overlooked examination of claim 51 in the prior office action. Claim 51 is now dependent on claim 1, which is considered allowable, so therefore claim 51 is also considered allowable now.

### ***Conclusion***

5. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

AKP  
11/23/04